REMARKS / ARGUMENTS

In response to the Office Action mailed March 30, 2007 the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 153 and 162 under 35 USC §112, first paragraph, as failing to comply with the written description requirement and the enablement requirement.

Specifically, the Examiner states the specification does not support the limitation, "a new promotional award that is not redeemable for game play." In order to clarify the limitation, Applicants have amended this limitation to read "... not redeemable for free game play." In either form, Applicants respectfully submit that this limitation is supported in the specification. For example, "the present invention also provides for very particularized forms of enhanced game play, enhanced game award levels, and enhanced general award levels that were not previously available." (See, p. 13, lines 9-11). Moreover, "a primary difference between Newprom awards and award credits or game state savings is that in the preferred embodiment, Newprom awards are given to players based on non-gaming events and situations, meta-game events, as well as gaming events, can be used (depending on the specific Newprom award) for both enhancing gaming and enhanced award distribution." (See, p. 40, lines 13-19). Rather, the specification distinguishes new promotional awards from saving a game state or award credits. That is, new promotional awards may be used to alter game play (see, e.g., p. 47, lines 8-10; p. 54, line 15-p. 55, line 19), enhance winning outcomes (see, e.g., p. 51, lines 8-10), or to trigger a bonus game (see, e.g., p. 55, line 20-p. 56, line 9).

With respect to the enablement rejection, Applicants respectfully submit that the above-referenced page and line references provides sufficient description of "new promotional awards configured to alter game play of at least one game, enhance winning outcomes of at least one game, or trigger a bonus game" so that one skilled in the art can make or use the claimed

invention. Accordingly, Applicants submit that the claims as presented in the amendment conform to all applicable requirements under 35 USC §112 and respectfully request that the rejections be withdrawn.

2. Claim Rejection – 35 U.S.C. § 102

The Examiner has rejected claims 153-155, 157-165, and 167-171 under 35 U.S.C. § 102(e) as being anticipated by Walker et al. (U.S. Patent No. 6,227,972).

Applicant respectfully traverses this rejection. For the sake of brevity, the rejections of the independent claims 153 and 162 are discussed in detail on the understanding that the dependent claims also are patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

Applicants respectfully submit that Walker does not anticipate the claimed invention because Walker does not disclose "a new promotional award that is not redeemable for free game play." Rather, the claimed new promotional award is configured to alter game play. For example, game play is altered by providing additional points to a wheel game above and beyond the standard pointer (see, e.g., p. 47, lines 7-15), an additional set of indicia that lies circumferentially around a wheel (see, e.g., p. 47, lines 17-18), or even presenting an entirely new game (see, e.g., p. 56, line 1- p. 57, line 17).

The Examiner also argues that Walker teaches the step of "determining whether the new promotional award is applicable to at least one game on the gaming machine" in FIG. 7 (step 710). Applicants submit that step 710 of Walker discloses that the gaming machine determines whether the player has satisfied the requirements to access the balance of the expiring slot card. That is, Walker prevents a player from entering a slot card and then subsequently cashing out without playing any games. Applicants submit that requiring the player to play on the gaming machine before accessing the player card balance is very different from the claimed step of determining whether the promotional award functions on a particular gaming machine. According to the claimed invention, the new promotional award may be configured to work on certain gaming machines. For example, if a player inserts the promotional award into an eligible

gaming machine, the pay table of the game is reconfigured to provide greater payouts for winning outcomes. However, if the player inserts the claimed promotional award into an ineligible gaming machine, the pay table remains the same. This is very different than determining whether or not a player can access credits on a player card, as disclosed in Walker. The game in Walker remains the same whether or not the player inserts an expiring player card.

Furthermore, Applicants submit that Walker does not disclose that a game may be reconfigured in response to a promotional award. Rather, Walker merely discloses (in steps 720-755 of FIG. 7) that the credit balance may be changed if the player is given access to the balance on the player card. Applicants submit that changing the balance on the gaming machine is not the same as reconfiguring a game. In Walker, the balance may change, but the underlying game is played and operates in the same manner. In sharp contrast, the game (and how the game is played and what constitutes a winning outcome) of the claimed invention is altered.

In conclusion, Applicants respectfully submit that the 35 U.S.C. §102(e) rejection of claims 153-155, 157-165, and 167-171 has been overcome.

3. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner has rejected claims 156 and 166 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. '972 (U.S. Patent No. 6,227,972) in view of Walker et al. '765 (U.S. Patent No. 6,364,765).

Applicants note that claims 156 and 166 are dependent claims that depend from independent claims 153 and 162, respectively. In light of the arguments submitted in Section 2 of this response, Applicants respectfully submit that dependent claims 156 and 166 are not obvious in view of the combination of Walker '972 and Walker '765 because these references, alone or in combination, fail to teach or suggest all the claimed limitations. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable. In conclusion, Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claims 156 and 166 have been overcome.

CONCLUSION

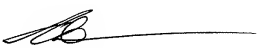
Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 153-171 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: May 22, 2007



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